

# FREDERICK COUNTY PLANNING COMMISSION November 14, 2012

TITLE: Turnpike Farms Lot 1

FILE NUMBER: SP 00-13 AP 12973 APFO 12975 FRO

12976

REQUEST: Site Plan SP 00-13 AP 12973 Approval

The Applicant is requesting Site Plan and APFO approval for construction of 2,296 square feet of additional building footprint onto an existing 1,654 square foot building footprint, totaling approximately 5,900 total square feet of floor area on multiple stories, on a 1.014-

acre site

## **PROJECT INFORMATION:**

ADDRESS/LOCATION: 11834 A Old National Pike, located along Old National

Pike, east of MD 75

TAX MAP/PARCEL: Tax Map 80, Parcel 146 COMP. PLAN: General Commercial General Commercial

PLANNING REGION: New Market WATER/SEWER: W-5/S-5

# **APPLICANT/REPRESENTATIVES:**

APPLICANT: Haley P. & Caroline D. Tate OWNER: Haley P. & Caroline D. Tate

ENGINEER: VANMAR Associates

ARCHITECT: N/A ATTORNEY: N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS:** 

Exhibit #1: Parking Space Modification Request

Exhibit #2: Turnpike Farms Lot 1 Letter of Understanding (LOU)

### STAFF REPORT

## **ISSUE**

## Development Request

The Applicant is requesting site plan approval for 2,334 square feet of additional floor area to an existing 3,566 square foot structure with 28 associated parking spaces. The existing structure has a building footprint of 1,654 square feet, although the structure is three floors as follows; First Floor = 1,450 SF Second Floor = 1,220 SF and the Third Floor = 896 SF. The Applicant is also proposing to enclose an existing sunroom, porch, and carport.

The proposed use is being reviewed as an "Professional Office" land use under the heading of *Commercial Business and Professional* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial Zoning District subject to site development plan approval



Graphic #1: Site Plan Rendering

# **BACKGROUND**

# Development History

This site had prior site plan approval for Bed & Breakfast from the Frederick County Planning Commission (FCPC) on February 13, 1991 and is now being redeveloped into a professional office (See Graphic #2).

Turnpike Farms
Lot 1
Expanded View
SP-00-13

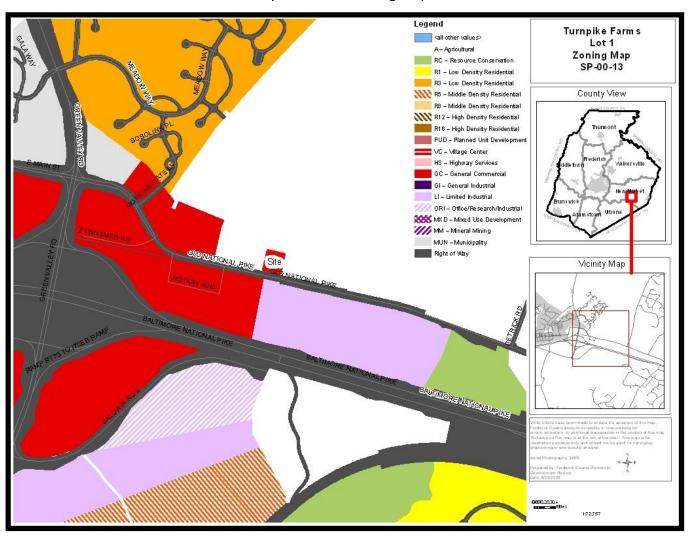
County View

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Graphic #2 Site Aerial

# Existing Site Characteristics

The site is currently zoned General Commercial, and is currently developed with an existing 3,566 square foot 2-story with attic brick house. The property to the north, east and west of the site is currently vacant with Agricultural zoning (See Graphic #3).



Graphic #3 Site Zoning Map

## **ANALYSIS**

## Summary of Development Standards Findings and Conclusions

There are overall concerns regarding the site circulation, retrofitting an existing structure with a building addition and the necessary parking, as well as road improvements to Old National Pike. This site is small in size; the overall improvements being proposed to the site are straightforward, which help reduce the amount of the overall concerns.

## Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

## **Findings/Conclusions**

1. Dimensional Requirements/Bulk Standards §1-19-6.100: The site is subject to the setback requirements for a "Commercial Use" as set forth in the Zoning Ordinance Section 1-19-6.100 for the General Commercial zoning district.

Required setbacks for all new structures are as follows: Front Yard: 25 feet, Side Yard: 8 feet, Read Yard: 25 feet, with a maximum height of 60 feet. The Applicant proposes the following setbacks:

Front Yard: 96 feet, Side Yard: 81 feet, Read Yard: 69 feet, with a height not to exceed 30 feet.

**2. Signage** §1-19-6.300: The site is subject to the signage requirements set forth in Zoning Ordinance Section 1-19-6.320.

Signage allowed for this site is calculated at 10 x Square root of the linear frontage of the side of the building facing a public street plus the side of the building on which the primary access is located. The façade length of the proposed structure is 69.8 feet. Based on these provisions, the allowable building signage is 83.5 square feet.

The Applicant is proposing a free-standing sign approximately 49 square feet in size with a height of no more than 8 feet that will be setback 12.5 feet from the property line, and therefore adheres to the zoning ordinance signage regulations.

3. Landscaping §1-19-6.400: Landscaping is required in relation to the proposed improvements or additions that are occurring on site. The Applicant is meeting the Zoning Ordinance requirements through a combination of preserving a majority of the existing mature vegetation on site and additional landscaping where necessary. The Applicant is preserving 21 mature tree specimens, which include several 40" caliper Sycamores, as well as numerous mature Red Maples, Blue Spruce, and Black Locust.

The Applicant is supplementing the site with a parking area buffer of 24 Yew, Azalea bushes, and street trees.

**4.** Lighting §1-19-6.500: The Zoning Ordinance provides that the maximum height for pole and building mounted lighting is 18 feet for commercial uses and that lighting shall not exceed 0.5 foot candles as measured from the property line.

The Applicant is proposing six pole lights 15 feet tall throughout the site. The lighting plan submitted by the Applicant in accordance with Zoning Ordinance Section 1-19-6.500 does not show any light trespass over 0.5 foot candles at the periphery of the property.

**Transportation and Parking §1-19-3.300.4 (B):** The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

#### Findings/Conclusions

- 1. Access/Circulation: The site is utilizing the existing access point for the original farmstead located off of Old National Pike, opposite the approved but not yet developed Old National Pike Business Park. The Applicant is required to upgrade the existing entrance to 24 feet wide with 25 foot radiuses. The Applicant is also required to provide a 12 foot wide shoulder along their property frontage.
- 2. Connectivity §1-19-6.220 (F): The site is not located close to any existing or proposed parking areas or adjacent to any same or similar zoning districts, therefore connectivity is not required per 1-19-6.220.F.
- **3. Public Transit:** This site is not served by Transit.
- **4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220**: The site requires 1 space for every 200 square feet of floor area devoted to examination rooms, treating room, office and waiting rooms. The Applicant is proposing 2,220 square feet of such uses , which requires 12 parking spaces (rounding up to the nearest whole number).

This site will also contain typical professional office space which requires 1 space for every 300 square feet of floor area. The Applicant is proposing 3,166 square feet of professional office floor area, which requires 11 parking spaces, for a total of 23 required parking spaces. The Applicant is proposing a total of 28 including 2 handicapped accessible parking spaces.

**Zoning Ordinance Section 1-19-6.220.A.1** states; For the purpose of this chapter, the parking space requirements in the following table will apply. Parking shall be limited to the number of spaces required based on an evaluation of each proposed use, hours of operation, and joint or shared parking agreements. An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission.

The Applicant has submitted a parking space modification justification (Exhibit #1) for the five parking spaces proposed over the target of 23 based on characteristics of the proposed use. The Applicant has provided porous pavement for 16 of the proposed 28 parking spaces. Staff supports this parking space modification.

- 5. Bicycle Parking §1-19-6.220 (H): The Applicant is required to include 1 rack of bicycle parking space; the Applicant has complied with this requirement.
- **6.** Pedestrian Circulation and Safety §1-19-6.220 (G): The Applicant is proposing internal sidewalks for site circulation and access to parking. There are no off-site sidewalks or crosswalks proposed as part of this application, which is typical for a small isolated development with frontage limited to a rural open section arterial highway.

**Conditions**: Parking Space Modification request in accordance with Zoning Ordinance Section 1-19-6.220.A.1, to allow 5 additional parking spaces over the target number of 23 spaces.

**Public Utilities §1-19-3.300.4 (C):** Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

#### **Findings/Conclusions**

1. **Private Well and Septic:** This site is served by private well and private septic system; the property has a water/sewer classification of S-5/W-5 in the County's *Master Water and Sewer Plan*. The Applicant is proposing four sand mound septic systems on the western portion of the site.

**Natural features §1-19-3.300.4 (D):** Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

- **1. Topography:** This site is quite flat, with topography varying little from Old National Pike throughout the site.
- **2. Vegetation:** The site contains numerous mature trees as well as specimen trees throughout the site. The majority of these trees are proposed to be preserved as part of this site plan application.
- **3. Sensitive Resources:** A portion of this site is located within a non-municipal wellhead protection area (WHPA). However, the applicant is proposing to use the site for professional offices which is not prohibited within a WHPA. Future land uses may be subject to section 1-6-50 Wellhead Protection of the County Code.
- **4. Natural Hazards:** Based on a review of available data there are no wetlands, steep slopes, or FEMA floodplain natural hazards located on this site.

<u>Findings/Conclusions:</u> Future land uses may be subject to section 1-6-50 Wellhead Protection of the County Code, however no significant impediments due to natural features are expected with the re-de elopement of this property

**Common Areas §1-19-3.300.4 (E):** If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

**<u>Findings/Conclusions:</u>** There are no proposed common areas as part of this application.

## Other Applicable Regulations

**Stormwater Management – Chapter §1-15.2:** The stormwater management design is in accordance with the 2009 revision of the 2000 MD Stormwater design manual. EDD volume SWM requirements are satisfied by permeable pavements and disconnection of non-rooftop drains.

#### APFO - Chapter §1-20:

- 1. Schools. This Application is exempt from testing due to the commercial use.
- **2.** Water/Sewer. This site is served by private well and private septic system; the property has a water/sewer classification of S-5/W-5 in the County's Master Water and Sewer Plan.
- 3. Roads. This development will generate 11 am and 20 pm weekday peak hour trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to existing escrow accounts:

- No. 3299: Old National Pike/Morning Gate Lane Signalization; the estimated cost of this Improvement is \$184,369. As determined by CDD-Traffic Engineering Staff, the Developer's proportionate share of the Road Improvement is 0.835%. Therefore, the Developer hereby agrees to pay \$1,539 to the escrow account for this Road Improvement.
- 2. No. 3553: Old National Pike/MD 75 Intersection Improvements; the estimated cost of this improvement is \$30,000. As determined by CDD-Traffic Engineering Staff, the Developer's proportionate share of the Road Improvement is 0.56%. Therefore, the Developer hereby agrees to pay \$168 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$1,707 to the escrow accounts for these Road Improvements.

**Forest Resource – Chapter §1-21:** The Applicant will mitigate FRO by purchasing banking credits for 0.15 acres of planted forest or 0.30 acres of existing forest at a site to be determined or by paying the Fee in Lieu. Mitigation must be received prior to building or grading permit, whichever comes first.

**Historic Preservation – Chapter §1-23:** The existing house is being preserved as part of this application. This property located along a Maryland National Road.

## Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review	Conditional Approval
Engineering (DRE):	
Development Review	Denied: The Applicant must address all agency comments as the
Planning:	plan proceeds to completion
State Highway	N/A
Administration (SHA):	
Div. of Utilities and Solid	N/A
Waste Mngt. (DUSWM):	
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Approved
Historic Preservation	Approved

# **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Plan SP 00-13, and APFO. If the Planning Commission conditionally approves the site plan and APFO, both are valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

- 1. Address all agency comments as the plan proceeds to completion.
- Specifically addressing the following:
  - a. Clarifying Site Plan Note #5
  - b. Building height correction to Site Plan Note #8
  - c. Correct Signage Allowance Note to reflect a total of 84 square feet of permitted signage.
- 2. Approval of a parking space modification in accordance with Zoning Ordinance Section 1-19-6.220.A.1 in order to construct 5 additional parking spaces over the required number of 23.

# PLANNING COMMISSION ACTION

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** Site Plan 00-13 **with conditions** as listed in the staff report **APFO approval** and **MODIFY** by inserting the conditions listed above for the proposed Turnpike Farms Lot 1 site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

# Turnpike Farms Parking Modification Justification Statement

The major purpose of this project is to move a current dental office and to allow for future expansion. Currently, parking is an issue. The planned moved will result in an increase in both the number of dental operatories and employees.

Trends in dental practice today allow for patient overlap with utilization of support staff. This allows for the ebbs and flow of patients (early / late arrivals) and appointment procedures (shorter or longer than expected). There are numerous time in which both parents may arrive at a child's appointment. Additionally, sales representatives arrive to discuss dental supply matters and products. On more rare occasions, repairmen are needed to provide for maintenance issues.

With the increase in "patient friendly" hours, some support staff positions may require two individuals to cover the same position. This will see the overlap of the cars of the support staff while the transition occurs.

With six treatment rooms in could be anticipated that there would be 12 patient cars and 10 support employees with 2 dental providers. On busier days, the peak number could increase with two parent cars and sales or repair representatives.

There is additional office space available for rent or lease that will not be part of the dental clinic. This as well will require additional parking needs depending on the type of use.

This site does not allow for any on-street parking. Therefore, all the parking needs will have to be handled on-site. There is no practical option for patients or customers to find parking within a safe proximity to the office location. The current allocation of 28 parking spaces is realistic based on the current trends in dental care and the additional office space.



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C. Paul Smith Vice President

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# COMMUNITY DEVELOPMENT DIVISION FREDERICK COUNTY, MARYLAND

Department of Planning and Development Review
30 North Market Street • Frederick, Maryland 21701
www.frederick.countymd.gov

#### ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

## Turnpike Farm Lot 1 Section 1

Site Plan #SP0013 AP #12975

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Haley P. & Caroline D. Tate ("Developer"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved Turnpike Farm Lot 1 Section 1 Preliminary Plan of Subdivision (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 1.014 +/- acre parcel of land, which is zoned General Commercial (GC), and located on the north side of Old National Pike, east of Morning Gate Lane. This APFO approval will be effective for development of a 2,200 +/- sq. ft. gross floor area (GFA) dental office and 3,767 sq. ft. GFA general office, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on November 14, 2012.

<u>Schools</u>: Schools are not impacted because the development of the property is a non-residential use.

<u>Water and Sewer:</u> The Property has a water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan*.

Road Improvements: This development will generate 11 AM and 20 PM weekday peak hour trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to existing escrow accounts:

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Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$1,707 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

<u>Period of Validity</u>: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on November 14, 2015.

<u>Disclaimer</u>: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

Name: Haley P. Tate	Date:
Name. Haley F. Tate	Data
Name: Caroline D. Tate	Date:
FREDERICK COUNTY PLANNING COMMISSION:	
By:	Date:
ATTEST:	
By: Gary Hessong, Director, Permits & Inspections	Date:
Planner's Initials / Date	
County Attorney's Office Initials / Date(Approved as to legal form)	

DEVELOPER:

Turnpike Farm Lot 1/Section 1 LOU November 14, 2012 Page 2 of 2